

REMARKS

Claims 15-33 were pending in this application. Claim 18 is cancelled. Claims 15 and 28 are amended. No new subject matter is believed to have been added by these amendments. Therefore, claims 15-17 and 19-33 remain in this application.

Priority Under 35 U.S.C. §119

The Examiner indicated on the Office Action Summary (Form PTOL-326) that the claim for foreign priority under 35 U.S.C. §119(a)-(d) has been acknowledged but the certified copies of the priority documents had not been received. A certified copy of Swiss Patent Application No. 2113/02, to which the instant application claims priority, was filed on December 9, 2003 along with the instant application. A printout of the image file wrapper obtained from the USPTO's Public Pair website indicating that this document was received on December 9, 2003, a copy of the Claim for Priority and a copy of the Swiss application are enclosed herewith.

Drawing Objections

The drawings stand objected to under 37 C.F.R. §1.83(a) because the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner requires that the cassette of claim 15, the 6 or 10 tongues of claim 23 and the rib that separates data carriers of claim 26 must all be shown or the features cancelled from the claims.

Regarding the cassette of claim 15, all of the figures have been amended to include a general reference number 18 referring to the cassette. The Applicant believes that

these amended figures overcome the Examiner's objection. Amendments to the figures are indicated in red in the attached annotated copy of the figures. The specification has been amended to properly incorporate reference number 18.

Regarding the 6 or 10 tongues of claim 23, the Applicant does not believe that such an objection is warranted. The claims provide a range of possibilities for the number of tongues. Therefore, it is sufficient to illustrate one of these possibilities in the figures. In this case, a crown with 8 tongues is illustrated (for example in Fig. 1b). A person skilled in the art would be able to easily construct a crown with 6 or 10 tongues without departing from the description and figures provided.

Regarding the rib that separates data carriers of claim 26, this feature is sufficiently described in the claim and specification that further support by an additional figure is not required.

Reconsideration of these objections is respectfully requested.

Specification Objections

The specification is objected to because on page 4, line 26, "fist" should read "first". The specification has been amended to correct this typographical error.

The Examiner also objected to claim 15 because the first two lines of the claim were deemed confusing. Specifically, the Examiner believed that the phrase "in cassette" following "central opening" suggests that the central opening is in the cassette, when the

central opening is in the data carrier. The Applicant believes that the above amendments to claim 15 overcome the Examiner's informality objection.

Reconsideration of these objections is respectfully requested.

35 U.S.C. § 112 Rejections

Claim 28 stands rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness because there is insufficient antecedent basis for the limitation "first data carrier" in the claim. The claim has been amended to recite "at least one data carrier".

Claim 28 was also rejected because the Examiner believed that the claim does not positively recite method steps, but instead infers method steps. Claim 28 has been amended according to the Examiner's suggestion.

The Applicant believes that the above amendments to claim 28 overcome the Examiner's indefiniteness rejections. Reconsideration of these rejections is respectfully requested.

Prior Art Rejections

Claims 15-25, 27 and 29-33 stand rejected under 35 U.S.C. § 102 as being anticipated by European Patent Application No. 0 762 425 to Liu (hereinafter "the Liu application") or, in the alternative, under 35, U.S.C. § 103(a) as obvious over the Liu application. In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of these rejections.

As defined in independent claim 15, the present invention is directed to a fastening device for at least one disc shaped data carrier in a cassette, said disc shaped data carrier comprising a central opening, wherein the cassette comprises a middle part on which a crown of tongues with noses for fastening the data carriers is provided, the crown of tongues is elastically insertable into the central opening of the at least one data carrier, wherein there is provided at least one connecting element movably connecting at least two of the tongues with noses, wherein the connecting element is produced in the production of the fastening device in a first position, and wherein after the production for increasing the restoring force of the tongues against the data carrier the connecting element is moved into a second position, wherein the tongues comprise at least one axial arm extending through the central opening of the at least one data carrier and wherein the at least one connecting element is attached to the axial arms connecting the axial arms substantially on ends pointing towards the direction of removal of the data carrier. Claim 15 has been amended to include the elements of cancelled claim 18, and the additional feature of the tongues including noses for fastening the data carriers. Support for this feature can be found in the figures and on page 6, lines 20-24 of the specification.

The Liu application discloses a tray for holding a compact disc that includes a plate having a central region comprising an annular array of tongues for receiving the opening of a compact disc.

While the Liu application discloses a fastening device including an array of tongues connected with each other, the reference does not teach or suggest that the tongues are provided with noses for fastening the data carrier as required by claim 15. The tongues of

the Liu application are only provided for stabilization. Furthermore, the connecting element described in the Liu application connects the stabilizing tongues in a stiff and inflexible manner. Therefore, the connecting element as described in the Liu application does not moveably connect at least two of the tongues as required by claim 15.

Furthermore, claim 15 requires that the connecting element is produced in a quasi-relaxed position (i.e. the first position) and subsequently shifted into a pre-tensioned second position that increases the restoring force of the tongues against the data carrier. On the other hand, the connecting element in the Liu application is not in such a pre-tensioned state. The Liu application does not teach or suggest production in a first state followed by a subsequent shifting into a second state for increasing the restoring force as required by claim 15. Even considering the Examiner's argument that this limitation of claim 15 is a product-by-process limitation, this process gives rise to clearly distinguishable product features. Such features include tension and stress in the polymeric material of the connecting element, differing material densities and increased restoring forces. These features are not present in the fastening device disclosed by the Liu application.

For the foregoing reasons, the Applicant believes that the subject matter of independent claim 15 is not anticipated by or obvious in view of the Liu application. Reconsideration of the rejections of claim 15 is respectfully requested.

Claims 16, 17, 19-25, 27 and 29-33 depend from and add further limitations to independent claim 15 or a subsequent dependent claim and are believed to be patentable for

the reasons discussed hereinabove in connection with independent claim 15. Reconsideration of the rejections of claims 16, 17, 19-25, 27 and 29-33 is respectfully requested.

Claim 26 stands rejected under 35 U.S.C. § 103(a) for obviousness based upon the Liu application in view of United States Patent No. 5,626,225 to Joyce, Jr. (hereinafter "the Joyce patent") In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of this rejection.

Claim 26 depends from and adds further limitations to independent claim 15. The Liu application was discussed hereinabove in connection with independent claim 15. The Joyce patent was relied upon by the Examiner as a teaching of separating discs and keeping them at a controlled distance. The Joyce patent does not cure the deficiencies of the Liu application because the Joyce patent fails to teach or suggest tongues with noses for fastening the data carriers. Therefore, claim 26 is believed to be patentable for the reasons discussed hereinabove in connection with independent claim 15. Reconsideration of the rejection of claim 26 is respectfully requested.

Claim 33 stands rejected under 35 U.S.C. § 103(a) for obviousness based upon the Liu application in view of United States Patent No. 6,170,656 to Cerda-Vilaplana et al. (hereinafter "the Cerda-Vilaplana patent") In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of this rejection.

Claim 33 depends from and adds further limitations to independent claim 15. The Liu application was discussed hereinabove in connection with independent claim 15.

The Cerda-Vilaplana patent was relied upon by the Examiner as a teaching of the use of strips having a very thin region so as to accommodate flexibility in the region when the center connecting element is pushed. The Cerda-Vilaplana patent does not cure the deficiencies of the Liu application. Therefore, claim 33 is believed to be patentable for the reasons discussed hereinabove in connection with independent claim 15. Reconsideration of the rejection of claim 33 is respectfully requested.

Claims 15 and 28 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent No. 5,894,924 to Koch (hereinafter "the Koch patent"). In view of the above amendments and the following remarks, the Applicant respectfully requests reconsideration of these rejections.

The Koch patent is directed to a holder for a compact disc. The holder includes a centrally located rosette integrally cast with a base. The rosette includes engagement arms molded to and extending upwardly from the base for centering the compact disc. The Koch patent fails to teach or suggest that the connecting element is attached to the axial arms of the tongues. Instead, the Koch patent describes that the connecting element 17 is introduced into the central opening of the fastening device. Furthermore, the connecting element 17 is a separate element and is not attached to the tongues in any manner.

For the foregoing reasons, the Applicant believes that the subject matter of independent claim 15 is not anticipated by the Koch patent. Reconsideration of the rejections of claim 15 is respectfully requested.

Claim 28 depends from and adds further limitations to independent claim 15 and is believed to be patentable for the reasons discussed hereinabove in connection with independent claim 15. Reconsideration of the rejection of claim 28 is respectfully requested.

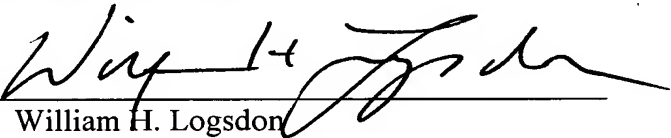
CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 15-17 and 19-33 are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

By



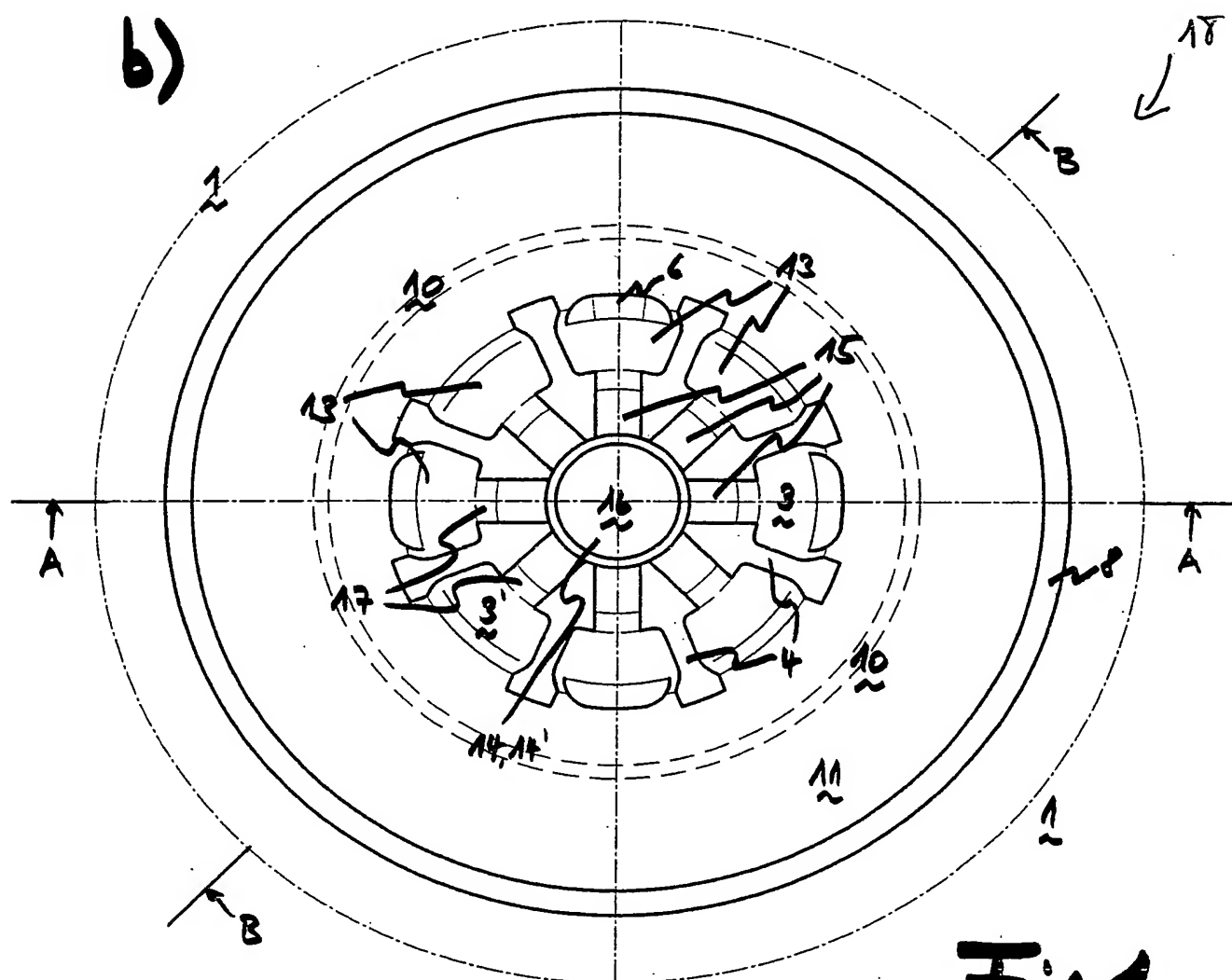
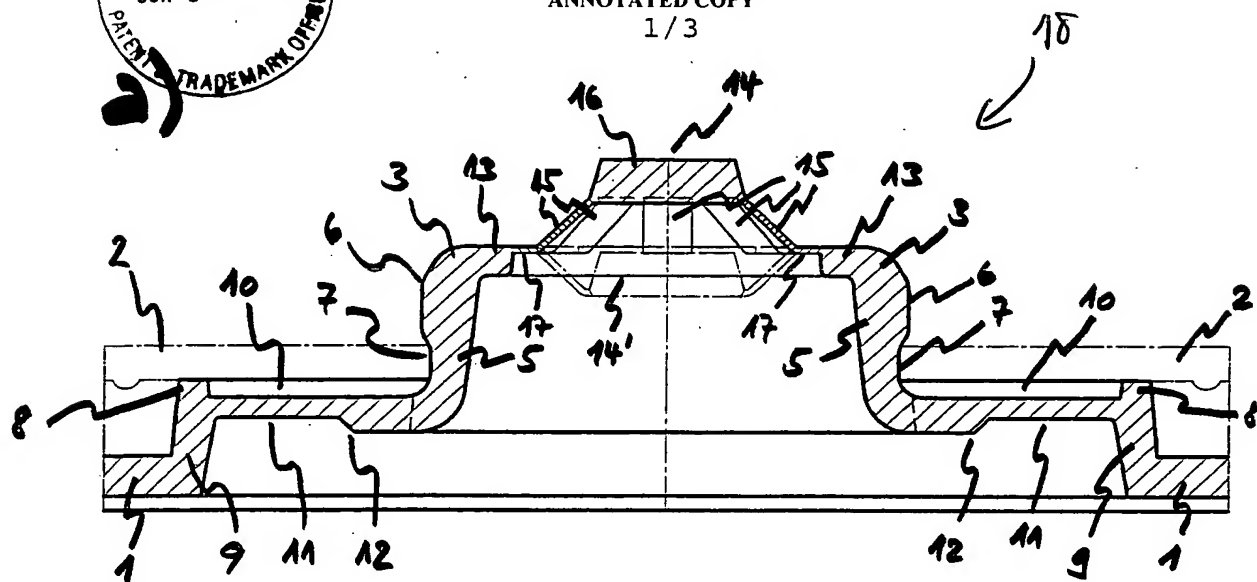
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AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figures 1a, 1b and 2a-2c. The replacement sheets replace the original sheets. Changes incorporated in the sheets are indicated in red on the attached annotated copies of the original sheets.

Attachments: Replacement Sheets

Annotated Copies of Original Sheets



F. 1

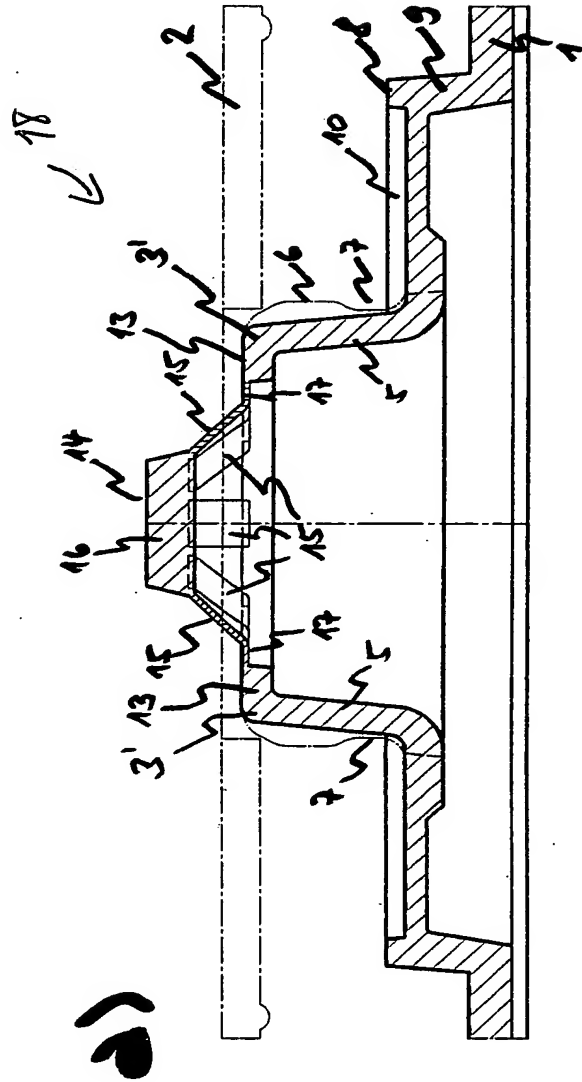
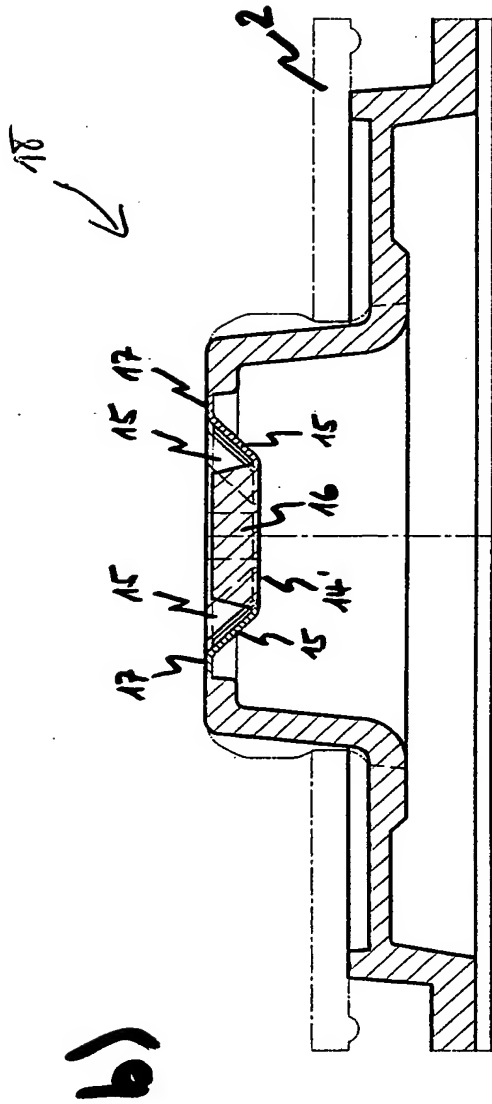


Fig. 2

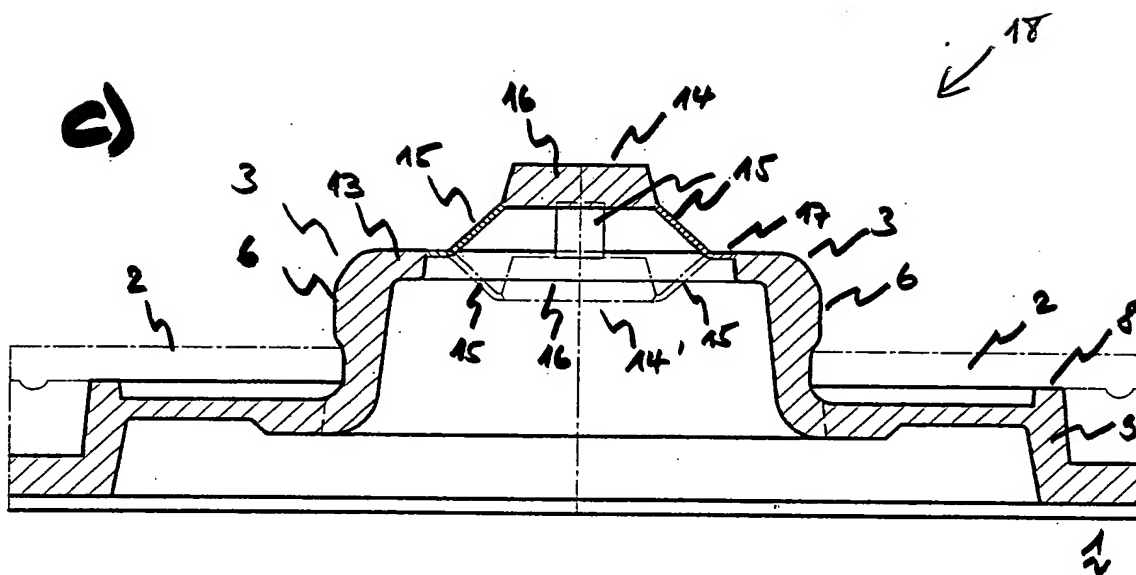


Fig. 2